

REMARKS

Claims 26 to 44 are pending in the application. Paragraph 2 of the Office Action objected to the disclosure in paragraph [099] because the Examiner believes that there is a typographical error. Paragraph 3 rejects claim 43 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement because the Examiner believes that the claim contains subject matter that was not described in the specification in a way to reasonably convey to one of skill in the art that the inventors were in possession of the invention when the application was filed. Paragraph 4 of the Office Action rejects claims 26 – 27, 30, 32 and 38 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,983,591 to Ohtaki et al. (the ‘591 patent). Paragraph 5 of the Office Action rejects claims 26 – 27, 38 and 40 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 1,357,869 to Howard (the ‘869 patent). Paragraph 6 rejects claims 26 – 27, 29 and 38 – 39 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,646,630 to Russell (the ‘630 patent). Paragraph 7 of the Office Action rejects claims 28 and 33 – 35 under 35 U.S.C. 103(a) as being unpatentable over the ‘591 patent as applied to claim 26, in view of German Patent No. DE3630324 to Langenfeld and U.S. Patent No. 3,554,497 to Zipperer. Paragraph 8 of the Office Action rejects claims 26 – 27, 31, 36 – 38 and 40 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,634,052 to Hanson in view of the ‘869 patent. Paragraph 9 of the Office Action rejects claim 41 under 35 U.S.C. 103(a) as being unpatentable over the ‘869 patent in view of U.S. Patent No. 3,461,476 to North. Finally, paragraph 10 of the Office Action indicates that claims 42 and 44 are allowable.

Specification

The Office Action objected to the specification as containing a typographical error in paragraph 099. Paragraph 099 has been amended to change the reference number from "253" to "453" to conform the specification to Figure 24.

The 35 U.S.C. 112, First Paragraph Rejection

The Office action states that claim 43 fails to comply with the written description requirement since the term "eccentric" is not described in the specification. Applicant respectfully traverses the rejection. Paragraph 095 states that "[d]uring operation of power unit 402, motor 412 spins and/or agitates rotatable magnet 414 within body casing 408.

Rotation of magnet 414 induces movement of pad unit 404." Additionally, paragraph 125 describes

a front view of a pad unit 470 according to another embodiment of the present invention. . . . Pad unit 470 responds to operation of corresponding power unit (not shown). Pad unit 470 includes a single surface pad 472. . . . A rotatable bar magnet 474 rotates within body casing 478 about rotational axis 475 to produce vibration of pad unit 470. The amount of vibration produced is increased if the bar magnet is not perfectly balanced with respect to rotational axis 475.

The disclosure of (1) rotatable magnet 414 spinning and agitating and (2) the vibration of a spinning bar magnet clearly indicates that the pad will move in an eccentric motion as called for in claim 43. The use of the term "eccentric" is merely a descriptive term to describe the resultant motion of the pad either due to "spinning and agitation" or the off balance rotation of the rotatable magnet. Thus, the specification clearly describes the eccentric motion of the pad as called for in claim 43. As such, claim 43 is allowable as written.

35 U.S.C. 102(b) Rejections

Independent claims 26 calls for, among other things,

variable power unit having a power unit body casing and a power induction unit, wherein said power induction unit produces a varying magnetic field when the unit is in an on position in response to supplied power; and

a pad unit having at least one piece of ferrous or any other magnetic material that moves in response to the varying magnetic field produced by said power induction unit.

Applicant respectfully traverses the rejections of independent claim 26. In particular, with respect to claim 26, the claim calls for a power unit that produces a varying magnetic field when the unit is in an on position and not a variable magnetic field when turned from an off position to an on position. That is, the user can vary the magnetic field produced by the power unit when the power unit is in the on position. *Ohtaki et al.*, *Howard*, *Russell* and *Hanson* each fail to teach or disclose a power unit that produces a varying magnetic field when the unit is in the on position. Instead, as the Examiner points out in the Office Action, the only time the magnetic field varies in *Ohtaki et al.*, *Howard*, *Russell* and *Hanson* is when the motor is turned from an off position to an on position. Thus, *Ohtaki et al.*, *Howard*, *Russell*

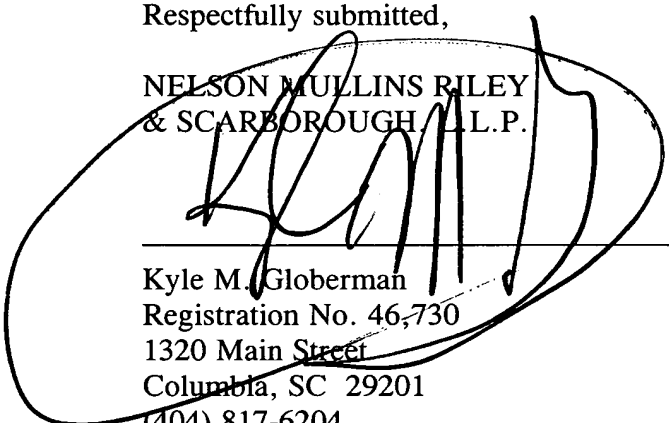
and *Hanson* each fail to teach, disclose or at the very least suggest a power unit that produces a varying magnetic field when in the on position as called for in claim 26.

CONCLUSION

For at least the above reasons, independent claims 26 and 43 are allowable over the cited prior art references. Applicant submits that independent claims 26 and 43 are in condition for allowance. Dependent claims 27 - 41 directly or indirectly depend from independent claim 26. These dependent claims recite further limitations and are allowable in their respective combinations. Favorable action and withdrawal of the present rejections and objections is, therefore, respectfully requested. The Examiner is invited to call the undersigned at his convenience to resolve any remaining issues. Please charge any additional fees or credit any overpayment to Deposit Account No. 50-1196.

Respectfully submitted,

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